

Attorney's Docket: 2001DE408Serial No.: 10/085,997Art Unit 1751Response to Final Office Action of December 6, 2005

REMARKS/ARGUMENTS

The Office Action mailed December 6, 2005 has been carefully considered together with each of the references cited therein. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration of the present Application in view of the following remarks is respectfully requested.

Applicant has amended the Application to attend to housekeeping matters and to more clearly describe the invention. Claim 1 was amended to correct an obvious misspelling of the term "dicyanodiamine" to the correct spelling of "dicyanoamide". Claims 2-9 attend to formal matters related to the other components recited in amended claim 1 and particular combinations of those components referred to in amended claim 1. It is believed that no new matter has been introduced by these amendments and that no additional search is required by the office.

Claims 1-9 were rejected under 35 USC 112, first paragraph, as failing to comply as the written description requirement with respect to the term "dicyanodiamine". As amended, the term "dicyanodiamine" was a typographical error and as amended, now reads dicyanoamide, which is supported by paragraph [00087] and Example 2 of Applicant's Specification. Therefore, the rejection of claim 1 as amended. The rejection of claim 1 under 35 USC 112, first paragraph, as failing to comply as the written description requirement should be withdrawn in view of the above amendment, and the rejection of claims 2-9 under 35 USC 112, first paragraph, as failing to comply as the written description requirement should be withdrawn for the reason given in support of claim 1 from which claims 2-9 depend.

Claims 1-9 were rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention for the recitation of more than one dye fixative, when only one dye fixative is disclosed. The rejection of claim 1 as amended under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards

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as the invention should be withdrawn in view of the above amendment which now recites a "fixative". Claims 2-9 were amended to added to formal matters to replace the "comprising of" language with language that is consistent with the 'consisting of' language in amended claim 1. Therefore, the rejection of claims 2-9 as amended under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention should be withdrawn in view of the above amendments which now exclude all other ingredients not recited in amended claim 1. Support for these amendments may be found in applicant's specification and the originally filed claims.

Applicant's invention relates to the surprising discovery that certain dye fixative agents act as dye transfer inhibitors when added to a detergent and the detergent together with the dye-transfer-inhibitor dye fixative are used in washing liquor to clean colored fabrics.

Claims 1-4 were rejected under 35 U.S.C. 102(b) as being anticipated by Rohringer et al. (US 4,301,217). The rejection of claim 1 as amended under 35 U.S.C. 102(b) as being anticipated by Rohringer et al. (US 4,301,217) should be withdrawn for the reason that Rohringer et al. do not disclose all of the elements of the instant invention as claimed in amended claim 1. Rohringer discloses a process for flameproofing wood. The process comprises treating the wood with aqueous preparations which contain (a) at least one water-soluble ammonium salt of a non-volatile inorganic acid, e.g. ammonium sulfate or ammonium phosphate, (b) at least one water-soluble cationic reaction product of dicyandiamide, formaldehyde, optionally an ammonium salt and/or an alkylene polyamine containing at most 18 carbon atoms, or the acid salt thereof. Components (a) and (b) are applied in succession or preferably simultaneously and the wood is subsequently dried. The flameproof finish obtained is resistant to rinsing. The wood provided with the flameproof finish is used in particular as mine timber. Rohringer et al is silent on any surfactant being present in the wood coating method to fireproof the wood. Applicant's detergent requires a surfactant. Furthermore, if the composition disclosed in Rohringer et al. additionally contained a surfactant, the flameproof finish may not be resistant to rinsing which is a requirement of the Rohringer treated

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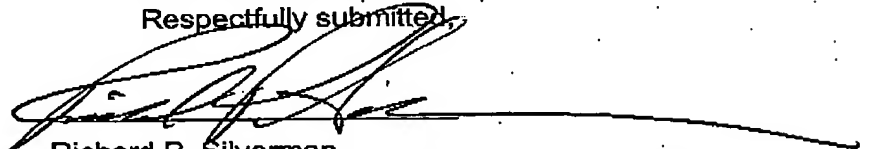
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timber. It is fundamental that all elements of a claim must be found united in the same way to perform the identical function for a reference to establish anticipation. Anticipation is a technical defense which must meet standards: Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in a single prior art reference, there is no anticipation. Unless all of the elements of an claimed invention can be found in a single reference, it cannot be said that such a claim is anticipated by that reference. Therefore, the rejection of claim 1 as amended under 35 U.S.C. §102(a) as being anticipated by Rohringer et al. (US Patent No. 4,301,217) should be withdrawn for the reason that Rohringer et al. discloses and claims a combination of the reaction products, but nowhere in Rohringer et al. are any surfactant compounds, or methods for the preparation or use which include surfactants disclosed. The rejection of claims 2-9 under 35 U.S.C. §102(b) as being anticipated by Rohringer et al. should be withdrawn for the reasons given in support of claim 1 from which they depend.

It is respectfully submitted that, in view of the above remarks, the rejections under 35 U.S.C. §103 should be withdrawn and that this application is in a condition for an allowance of all pending claims. Accordingly, favorable reconsideration and an allowance of all pending claims are courteously solicited.

An early and favorable action is courteously solicited.

Respectfully submitted,



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